

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Bilal Al-Haqq,)	Case No. 2:21-cv-04139-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
)	
Warden Evonne Willingham, A/W Elaine)	
Freeman, Bryan P. Stirling,)	
Ann Sheppard,)	
)	
Defendants.)	
)	

Plaintiff brings this action alleging violations of his civil rights pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation ("Report"). On April 13, 2022, Defendants filed a motion to dismiss. ECF No. 29. Plaintiff filed a response in opposition, Defendants filed a reply, and Plaintiff filed a sur-reply. ECF Nos. 39, 40, 41. On July 27, 2022, the Magistrate Judge issued a Report recommending that the motion be granted. ECF No. 49. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff did not file objections to the Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As stated above, Plaintiff has not objected to the Magistrate Judge's Report. Accordingly, after considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. Defendants' motion to dismiss [29] is **GRANTED**. This action is dismissed without leave to amend, and the Court declines to label this action as a “strike” pursuant to 29 U.S.C. § 1915(g).

IT IS SO ORDERED.

October 3, 2022
Spartanburg, South Carolina

s/ Donald C. Coggins, Jr.
United States District Judge